

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TRAXCELL TECHNOLOGIES, LLC ,  
  
Plaintiff,  
  
v.  
  
HUAWEI TECHNOLOGIES USA INC.,  
  
Defendants.

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Case No. 2:17-CV-00042-RWS-RSP

**ORDER**

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report & Recommendation (Docket No. 245) by Magistrate Judge Payne, which recommends that Motion for Partial Summary Judgment Regarding Non-Infringement and Damages (Docket No. 199) be **DENIED**. No objections to the Report & Recommendation have been filed.

Having reviewed Magistrate Judge Payne's report, Defendant's Motion, Plaintiff's Response (Docket No. 208), Defendant's Reply (Docket No. 213) and Plaintiff's Sur-reply (Docket No. 216) to Defendant's Motion, the Court hereby **ADOPTS** Magistrate Judge Payne's Report & Recommendation. Accordingly, Defendants' Motion for Partial Summary Judgment Regarding Non-Infringement and Damages (Docket No. 199) is **DENIED**.

It is so **ORDERED**.

**SIGNED this 10th day of January, 2019.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE